

BEST AVAILABLE COPY**AUG 24 2006**Serial No. 10/630,369
60130-1853; 02MRA0222**REMARKS**

New claims 20-23 read on the elected species directed to Figures 3 and 3A.

The abstract has been amended to amend the term "means."

The drawings are objected under 37 CFR 1.84. Paragraph 50 has been amended to recite a rod 331 of a vehicle door latch assembly 350. Figures 3 and 3A have been amended to show the rod 331, the vehicle door latch assembly 350 and a pawl tooth 381. Support for this amendment is found in paragraph 69. Replacement figures 3 and 3A are enclosed. The replacement figures overcome the rejections in the Notice of Non-Compliant Amendment.

The disclosure is objected to because the components in paragraph 50 are not designated by reference numerals. Paragraph 50 has been amended to add reference numerals. Paragraph 53 has been amended to recite PCT application WO98/53165.

Claim 2 has been amended to change "latch assembly" to "actuator assembly."

Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson et al. (EP 0 939 245). Pearson does not disclose an actuator assembly including an actuator that moves an output member in a first direction and a second direction. Pearson discloses an actuator 14 that is capable of moving a gear 22 in a clockwise direction (a second direction) from an actuated position to a rest position when viewing Figure 1. However, the actuator 14 is only capable of moving the output member 22 in the clockwise direction and is not capable of moving the output member in another direction as claimed. The return spring 40 moves the gear 22 in the counter-clockwise direction (a first direction), but the actuator 14 does not move the gear 22 in the counter-clockwise direction. The claimed invention is not anticipated.

Pearson also does not disclose that the gear 22 is in a rest position. In Pearson, a constant return force is applied by the return spring 40 in the event of an actuator failure to reverse drive of the motor. Therefore, the condition where the spring 40 produces a force is not a "rest" condition. If the motor was in a "rest" condition, the return spring 40 would reverse drive it. The rest position referred to by the Examiner is not a rest position, but a position at which the return spring and the actuator are actively in opposition. For the actuator 14 to be at rest, it would have to be not activated.

Claim 1 is also not anticipated by Pearson. Pearson also does not disclose a force that acts substantially through a pivot point of an output member when in a rest position as claimed. In Pearson, a return spring 40 produces a force as the return spring 40 abuts the pin 46. The force

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acts in the opposite direction of the shaft 25 of the gear 22. Therefore, the force does not act substantially through said shaft 25 (the pivot point of the gear 22) as recited by claim 1.

Claim 12 is also not anticipated by Pearson. Pearson does not disclose a force that acts to drive an output member in a second direction with the output member in a rest position. The Examiner's construction of claim 1 suggests that movement of the gear 22 in the "second direction" is caused by rotation of the gear 22 in the clockwise direction, and that movement of the gear 22 in the "first direction" is caused by counter-clockwise motion of the gear 22 where the return spring 40 is assisting the gear 22. However, in Pearson, the return spring 40 provides a force which urges the output gear 34 clockwise and therefore the gear 22 counter-clockwise (first direction). This movement in the first direction is caused by the return spring 40, not the actuator 14. If the gear 22 had a rest position as the Examiner contends, the return spring 40 would produce a force that would drive the output member 22 in the counter-clockwise direction (first direction), and not the clockwise direction (second direction) as claimed. The claimed invention is not anticipated.

Claims 1-8 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Spurr (EP 1 128 006). Spurr does not disclose an actuator assembly including an energy storing member that provides a force that acts substantially through a pivot point of an output member in a rest position as recited in claim 1. In Spurr, a spring 20 provides a force that acts in a horizontal sense when viewing Figure 1 proximately in line with arrow A. However, the force does not act through the pivot point of a worm wheel 24. As shown in Figure 3, a spring 78 is not capable of providing a force that acts substantially through a pivot point A of a worm wheel 60. The force acts on the spring abutment 74, but not through the pivot point A. Spurr does not disclose an energy storing member that provides a force that acts substantially through a pivot point of an output member in a rest position as recited in claim 1. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claim 12 is also not anticipated. Spurr also does not disclose an actuator in which a force acts to drive an output member in a second direction with the output member in a rest position as recited in claim 12. In Spurr, clockwise motion of the worm wheel 24 stores energy in the spring 20 (second direction). Figure 1 shows the rest position of the device wherein the spring 20 is compressed. The spring 20 exerts a force which forces the worm wheel 24 in a counter-clockwise direction (first direction). However, when the worm wheel 24 is at rest as shown in Figure 1, the

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force does not drive the worm wheel 24 in clockwise direction (the second direction), but instead the counter-clockwise direction (the first direction). The claimed invention is not anticipated.

Thus, claims 1-12 and 20-23 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

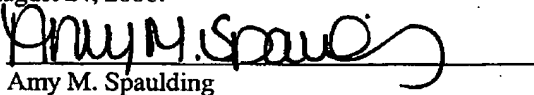


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CERTIFICATE OF FACSIMILE

I hereby certify that this supplemental response is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on August 24, 2006.


Amy M. Spaulding